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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Tomo KAKITANI et al.

Application No.: 10/557,759

Filed: November 18, 2005

Attorney Docket No.: 8156/84494

Confirmation No.: Not Yet Assigned

Customer No.: 42798

Title: METHOD FOR CLARIFICATION OF WOOD HAVING BEEN TREATED
WITH CHEMICAL CONTAINING COPPER, CHROMIUM OR ARSENIC

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Please find enclosed an English language translation of the International Preliminary Examination Report (IPER) from the corresponding PCT application. The attached IPER includes the recent statement under PCT Article 35(2) that claims 1-10 have novelty, inventive step, and utility. Please enter this paper in the application filed.

Respectfully submitted,



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Date: **July 19, 2006**

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|--|--|--|-----------------------|
| Applicant's or agent's file reference P04-11 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/JP2004/000846 | International filing date (day/month/year) 29 January 2004 (29.01.2004) | Priority date (day/month/year) 20 May 2003 (20.05.2003) | |
| International Patent Classification (IPC) or national classification and IPC B09B 3/00, B01D 11/02, B27K 3/02, 5/00 | | | |
| Applicant KANSAI TECHNOLOGY LICENSING ORGANIZATION CO., LTD | | | |

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| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> |
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|---|--|
| Date of submission of the demand 23 June 2004 (23.06.2004) | Date of completion of this report 01 June 2005 (01.06.2005) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000846

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (specify): _____

any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (specify): _____

any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-10 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-10 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-10 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

Document 1: JP, 4-357002, A (Japan Wood Preservers Industry Association), 10 December, 1992 (10.12.92), paragraphs [0011]-[0020]

Document 2: JP, 1-44361, B2 (Sumitomo Chemical Co., Ltd.), 27 September, 1989 (27.09.89), column 2, line 17 to column 4, line 4

Document 3: EP, 774330, A1 (Stella S.p.A.), 21 May, 1997 (21.05.97), column 2, line 1 to column 3, line 13

Document 4: WO, 98-16288, A1 (Commissariat a l'Energie Atomique), 23 April, 1998 (23.04.98), Abstract

The subject matters of claims 1-10 appear to involve an inventive step in view of documents 1-4 cited in the ISR.

Documents 1-4 do not describe that when a chemical substance containing copper is extracted from timber, the timber is immersed in an aqueous solution of at least one alkali metal carboxylate selected from a group consisting of alkali metal monocarboxylates and alkali metal dicarboxylates. This constitution is not considered to be obvious to a person skilled in the art either, since an organic acid has been used for extracting the said chemical substance from timber.